



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/787,469

Group Art Unit: 3732

Filed: Feb. 26, 2004

Examiner:

For: ANNULUS FIBROSIS AUGMENTATION METHODS AND APPARATUS

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 CFR 1.97(b))

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs

last. 37 CFR 1.97(b).

Date: Nov. 2, 2004

John G. Posa

GIFFORD KRASS et al.

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date: 11/2/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/787,469

Group Art Unit: 3732

Filed: Feb. 26, 2004

Examiner:

For: ANNULUS FIBROSIS AUGMENTATION METHODS AND APPARATUS

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Date: Nov. 2, 2004

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the references listed on attached Form PTO-1449 be considered by the Examiner and made of record. The above-referenced application is a continuationin-part of U.S. patent application Serial No. 10/120,763, filed April 11, 2002 in which all of the listed references were cited in an Information Disclosure Statement. In accordance with 37 C.F.R. §1.98(d), copies of the listed references are not required.

In accordance with 37 C.F.R. §1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other possible material information as defined in 37 C.F.R. §1.56(a) exists. In accordance with 37 C.F.R. §1.97(h) the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b).

Respectfully submitted,

John G. Posa

Reg. No. 37,424

BIRMINGHAM, MICHIGAN 48009-5394 (248) 647-6000 280 N. OLD WOODWARD AVENUE, STE. ANDERSON & CITKOWSKI, P.C. GIFFORD, KRASS, GROH, SPRINKLE,

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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DATE	
	2,677,369	5/4/1954	Knowles		128	92		
	3,366,975	2/6/1968	Pangman	a	3	36		
	3,426,364	2/11/1969	Lumb		3	1		
	3,551,560	12/29/1970	Thiele		424	95		
	3,593,342	7/20/1971	Niebauer	r	3	1		
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*EXAMINER INITIAL	DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DATE	
	3,648,294	3/14/1972	Shahrest	ani	3	1		
	3,855,638	12/24/1974	Pilliar		3	1		
	3,867,728	2/25/1975	Stubstad	et al	3	1		
	3,878,595	4/8/1975	Froning		3	1		
		FORE	IGN PATE	ENT DOCUMENTS				
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	Steven Frick MD, SPIN	E, Vol. 19, No. 10	6, pp. 182	?6-1835, 1994				
	Orthopedics Today, July	y 2000						
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INFORMATION DISCLOSURE CITATION

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DATI	
		3,883,902	5/20/1975	Lynch		3	36		
		4,229,839	10/28/1980	Schwemm	er	3	1.91		
		4,309,777	1/12/1982	Patil		3	1.91		
		4,439,921	9/21/1982	Kuntz		3	1		
		4,707,872	11/24/1987	Hessel		5	451		
			U.S. PATEN	IT APPLICA	ATION PUBLICATIONS				
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DATI	
		4,714,469	12/22/1987	Kenna		623	17.11		
		4,759,766	7/26/1988	Buettner-	Janz et al	623	17.11		
		4,801,299	1/31/1989	Brendel et	al al	623	17.11		
		4,863,477	9/5/1989	Monson		623	17.11		
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		"Proceedings 14th Ann	ual Meeting," No	orth Ameri	ican Spine Society, Octobe	er 1999			
		"Proceedings 13th Annu	ual Meeting," No	orth Ameri	ican Spine Society, Octobe	er 1998	11,1		
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Form PTO-A820 (also form PTO-1449)

APPLICATION NO. ATTY DOCKET NO. 10/787,469 BAF-10404/29 INFORMATION DISCLOSURE CITATION APPLICANT(S) **Ferree** (Use several sheets if necessary) **GROUP ART UNIT** FILING DATE Feb. 26, 2004 3732 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE SUBCLASS DOCUMENT NUMBER DATE NAME CLASS INMAL IF APPROPRIATE 4,874,389 10/17/1989 623 Downey 17 2/27/1990 623 4,904,261 Dove et al 17 3/27/1990 4,911,718 Lee et al 623 17 4,917,704 4/17/1990 Frey et al 623 17 4,946,378 8/7/1990 Hirayama et al 623 17 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER CLASS SUBCLASS DATE NAMÉ INITIAL IF APPROPRIATE 3/26/1991 5,002,576 Furhmann et al 623 17 5,035,716 7/30/1991 623 17 Downey 5,071,437 12/10/1991 Steffee 623 17 5,108,438 4/28/1992 Stone 623 17 **FOREIGN PATENT DOCUMENTS** TRANSLATION DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS YES NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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DATE CONSIDERED

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APPLICATION NO. ATTY DOCKET NO. 10/787,469 BAF-10404/29 INFORMATION DISCLOSURE CITATION APPLICANT(S) (Use several sheets if necessary) **Ferree** FILING DATE **GROUP ART UNIT** Feb. 26, 2004 3732 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE CLASS SUBCLASS NAME INITIAL IF APPROPRIATE 5,171,280 12/15/1992 Baumgartner 623 17 12/15/1992 5,171,281 Parsons et al 623 17 5,246,458 9/21/1993 Graham 623 17 5,258,031 11/2/1993 Salib et al 623 17 5,263,953 11/23/1993 Bagby 606 61 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 5,314,477 5/24/1994 Marnay 623 17 5,320,644 6/14/1994 Baumgartner 623 17 5,370,697 12/6/1994 Baumgartner 623 17 5,375,823 12/27/1994 Navas 267 195

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DATE CONSIDERED

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DAT	
		5,609,635	3/11/1997	Michelson	1	623	17		
		5,643,329	7/1/1997	Solomono	w et al	607	43		
	Ţ	5,645,596	7/8/1997	Kim et al		623	17		
		5,653,763	8/5/1997	Ericco et a	al	623	17		
		5,674,294	10/7/1997	Bainville e	et al	623	17		
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		5,674,296	10/7/1997	Bryan et a	d .	623	17		
		5,683,465	11/4/1997	Shinn et a	1	623	17		
		5,702,450 12/30/1997		Bisserie		623	17		
		5,711,960	1/27/1998	Shikinami		424	426		
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Patent and Trademark Office * U.S. DEPARTMENT OF COMMERCE

APPLICATION NO. ATTY DOCKET NO. BAF-10404/29 10/787,469 INFORMATION DISCLOSURE CITATION APPLICANT(S) **Ferree** (Use several sheets if necessary) FILING DATE **GROUP ART UNIT** Feb. 26, 2004 3732 **U.S. PATENT DOCUMENTS** FILING DATE *EXAMINER SUBCLASS DOCUMENT NUMBER DATE CLASS INITIAL IF APPROPRIATE 5,776,196 7/7/1998 Matsuzaki et al 623 17 5,782,919 7/21/1998 Zdeblick et al 623 17 5,824,094 10/20/1998 Serhan et al 623 17 2/2/1999 5,865,845 Thalgott 623 17 5,865,846 2/2/1999 623 Bryan et al 17 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 5,865,847 2/2/1999 Kohrs et al 623 17 5,865,848 2/2/1999 Baker 623 17 3/23/1999 Bagby 606 5,885,287 17

FOREIGN PATENT DOCUMENTS

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5,888,226

ATTY DOCKET NO. APPLICATION NO. BAF-10404/29 10/787,469 INFORMATION DISCLOSURE CITATION APPLICANT(S) (Use several sheets if necessary) **Ferree** FILING DATE **GROUP ART UNIT** Feb. 26, 2004 3732 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE CLASS SUBCLASS NAME INITIAL IF APPROPRIATE 5,888,227 3/30/1999 Cottle 623 17 4/13/1999 5,893,390 Pisharodi 623 17.11 5,893,889 4/13/1999 Harrington 623 17 5,895,427 4/20/1999 Kuslich et al 623 17 5,897,593 4/27/1999 Kohrs et al 623 17 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 5,899,941 5/4/1999 Nishijima et al 623 17 5,906,616 5/25/1999 **Pavlov** 606 61 5,928,284 7/27/1999 Mehdizadeh 623 17

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Gan et al

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5,964,807

10/12/1999

ATTY DOCKET NO. APPLICATION NO. 10/787,469 BAF-10404/29 INFORMATION DISCLOSURE CITATION APPLICANT(S) (Use several sheets if necessary) **Ferree** FILING DATE **GROUP ART UNIT** Feb. 26, 2004 3732 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 6,102,950 8/15/2000 Vaccaro 623 17.11 6,022,376 2/8/2000 Assell et al 623 17.16 6,060,053 5/9/000 93.7 Atala 424 6,077,987 6/20/000 Breitbart et al 623 11.11 6,090,112 7/18/2000 Zucherman et al 606 61 **U.S. PATENT APPLICATION PUBLICATIONS** *EXAMINER FILING DATE DOCUMENT NUMBER CLASS SUBCLASS DATE NAME INITIAL IF APPROPRIATE 5,989,291 11/23/1999 Ralph et al 623 17.13

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Perren et al

Wallace et al

Norton et al

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6,019,793

6,066,325

6,110,210

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		U.	S. PATENT	DOCUMENTS				
*EXAMINER	DOCUMENT NUMBER			NAME	CLASS	SUBCLASS	FILING DAT	
	6,113,639	9/5/2000	Ray et al		623	17.16		
	6,117,174	9/12/2000	Nolan		623	17.11		
	6,143,032	11/7/2000	Schafer e	t al	623	17.11		
	6,146,420	11/14/2000	McKay	-	623	17.11		
	6,183,518		Ross et a	l .	623	17.16		
		U.S. PATE	NT APPLIC	ATION PUBLICATIONS	•	· -· · · · · · · · · · · · · · · · · ·	-	
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	6,187,048 6,190,414		Milner et	al	623	17.12		
			Young et	al	623	17.15		
6,193,757		2/27/2001	Foley et a	d	623	17.16		
	6,197,586 3/6		Bhatnaga	ır et al	435	395		
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		6,20	6,922	3/27/2001	Zdeblick	et al	623	17.11		
		6,22	1,109	4/24/2001	Geistlich	et al	623	17.11		
		6,23	1,615	5/15/2001	Preissmaı	n	623	23.73		
		6,24	5,107	6/12/2001	Ferree	·	623	17		
		6,24	5,108	6/12/2001	Biscup		623	17.11		
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		6,34	0,369	1/22/2002	Ferree		623	17.11		
		6,35	2,557	3/5/2002	Ferree		623	17.11		
		6,37	1,990	4/16/2002	Ferree		623	17.16		
		6,41	9,702	7/16/2002	Ferree		623	17.11		
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APPLICATION NO. ATTY DOCKET NO. BAF-10404/29 10/787,469 **INFORMATION DISCLOSURE CITATION** APPLICANT(S) Ferree (Use several sheets if necessary) **FILING DATE GROUP ART UNIT** Feb.26, 2004 3732 **U.S. PATENT DOCUMENTS** *EXAMINER FILING DATE SUBCLASS DOCUMENT NUMBER DATE NAME CLASS INITIAL IF APPROPRIATE 6,419,704 7/16/2002 Ferree 623 17.12 4,413,359 11/8/1983 3 Akiyama et al 1 4/23/1985 4,512,338 Balko et al 128 1R 4,663,358 5/5/1987 Hyon et al 521 64 4,772,287 9/20/1988 623 Ray et al 17 U.S. PATENT APPLICATION PUBLICATIONS *EXAMINER FILING DATE DOCUMENT NUMBER CLASS SUBCLASS NAME INITIAL IF APPROPRIATE 4,834,757 5/30/1989 623 Brantigan 17 4,904,260 2/27/1990 623 Ray et al 17 6/12/1990 4,932,969 623 Frey et al 17 5,015,255 Kuslich 5/14/1991 623 17 **FOREIGN PATENT DOCUMENTS** TRANSLATION DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS YES **OTHER DOCUMENTS** (Including Author, Title, Date, Pertinent Pages, Etc.)

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			U.S	3. PATENT	DOCUMENTS				
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		5,047,055	9/10/1991	Bao et al		623	17		
		5,100,422	3/31/1992	Berguer e	et al	606	151		
		5,147,374	9/15/1992	Fernande	z	606	151		
		5,171,278	12/15/1992	Pishrodl		623	17		
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		5,258,043	11/2/1993	Stone		623	66		
		5,304,194	4/19/1994	Chee et al		606	191		
		5,342,394	8/30/1994	Matsuno et al		606	213		
		5,370,660	12/6/1994	Weinstein	et al	606	215		
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*EXAMINER		DOCUMENT NUMBER	DATE		NAME	CLASS	SUBCLASS	FILING DA	
		5,390,683	2/21/1995	Pisharodi		128	898		
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								YES	NO
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Docket Number (Optional) Application Number BAF-10404/29 10/787,469 Applicant(s) INFORMATION DISCLOSURE CITATION **Ferree** (Use several sheets if necessary) Filing Date Group Art Unit 3732 Feb. 26, 2004 U.S. PATENT DOCUMENTS *EXAMINER FILING DATE DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 6,224,630 5/1/2001 Bao et al 623 17.16 6,491,724 12/10/2002 **Ferree** 623 17.11 6,425,919 7/30/2002 Lambrecht 623 17.16 4,743,256 5/10/1988 128 898 **Brantigan** 6,007,570 12/28/1999 Sharkey et al 606 15 U.S. PATENT APPLICATION PUBLICATIONS *EXAMINER FILING DATE REF DOCUMENT NUMBER DATE NAME CLASS SUBCLASS INITIAL IF APPROPRIATE 5,496,318 3/5/1996 Howland et al 606 53 5,059,193 10/22/1991 Kuslich 606 60 11/5/1996 Kuslich 5,571,189 623 17.12 6,132,465 10/17/2000 Ray et al 623 17.16 FOREIGN PATENT DOCUMENTS Translation REF DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS YES NO (Including Author, Title, Date, Pertinent Pages, Etc.) OTHER DOCUMENTS

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